

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
UNITED STATES OF AMERICA,	)	
	)	
	)	
v.	)	CRIMINAL ACTION
	)	NO. 04-40015-FDS
JONATHAN VEGA, ET AL	)	
Defendants,	)	
_____	)	

FINAL STATUS REPORT

October 6, 2004

SWARTWOOD, M.J.

The following is a Final Status Report to Saylor, J. to whom this case is assigned:

1. Rule 11 Hearing

In my Initial Status Report of September 10, 2004, I informed Judge Saylor that Mr. Hickey had requested a Rule 11 hearing and this case with respect to Mr. Hickey was forwarded to Judge Saylor for that purpose. By letter dated October 4, 2004, I am informed by Assistant United States Attorney John M. Hodgins Jr., that Mr. Vega and his counsel have requested that this case, with respect to Mr. Vega, also be returned to Judge Saylor for a Rule 11 hearing. I have granted that request.

2. Mr. Vega's Revocation of Release

At Mr. Vega's initial appearance, I released him on conditions (Docket No. 9). Subsequently, Mr. Vega was charged in the

Worcester District Court with possession of twelve bags of heroin and with possession with intent to distribute heroin. As a result, Mr. Vega's conditions of release were revoked by Order of Detention entered by Magistrate Judge Cohen on August 19, 2004 (Docket No. 23). Mr. Vega has now filed a Motion For Review Of Detention Order (Docket No. 27). Although the caption of the motion appeared to be an appeal of Magistrate Judge Cohen's revocation of release order, it is clear from the body of the motion that Mr. Vega seeks reconsideration of that order by proposing a third-party custodian. The Government's response to this motion is due on October 12, 2004. Since this case is being re-transferred to Judge Saylor for a Rule 11 hearing, with respect to both Messrs. Hickey and Vega, I suggest that when the Government files its response to Mr. Vega's motion for reconsideration, that issue be referred to me for a hearing or in the alternative, if a Rule 11 hearing is scheduled within a short period of time, Judge Saylor may wish to keep Mr. Vega detained pending a change of plea hearing and sentencing.

3. Excludable Time

I have previously excluded from the Speedy Trial Act, the entire period from date of arraignment through October 7, 2004. Therefore, assuming no further order of excludable time under the

plan for prompt disposition of criminal cases, this case must be tried on or before Thursday, December 16, 2004.

/s/Charles B. Swartwood, III  
CHARLES B. SWARTWOOD, III  
MAGISTRATE JUDGE